

Washington, D.C. – Tonight Congressman Charlie Wilson (OH-6) joined a majority in the House of Representatives and voted to support H.R. 3773, the RESTORE Act. This bill updates the Foreign Intelligence Surveillance Act (FISA) to provide meaningful and flexible surveillance tools for the intelligence community, while protecting the constitutional rights of Americans whose communications may be intercepted in the process. In August, Congress enacted a temporary FISA revisions bill (the Protect America Act; PL 110-55), which expires in February 2008.

“I’m pleased we had the chance to revisit this vital issue,” Wilson said. “In August I felt I had to vote for an imperfect bill because without it this country would have been unprotected. Now we have comprehensive legislation that addresses the issue of national security in the proper way while protecting our civil liberties.”

The RESTORE Act provides a mechanism to conduct foreign electronic surveillance for the purpose of defending against terrorism and other national security threats. However, this legislation does so in a manner that responds to concerns that the recent temporary FISA revision (Protect America Act) lacked sufficient judicial safeguards for Americans’ phone calls, e-mails, and other communications.

This bill does not provide constitutional protections to foreign terrorists. Instead, this bill is tough on terrorism – it does not extend Fourth Amendment protections to overseas targets such as Osama bin Laden and other members of terrorist organizations.

The RESTORE Act makes clear that surveillance of purely foreign-to-foreign communications never requires a court order.

The bill puts the FISA court back in the business of protecting Americans’ constitutional rights – by providing for court oversight of surveillance that is reasonably likely to include communications between foreign targets and Americans. By contrast, the Administration is seeking no meaningful court oversight.

Key civil liberties and privacy advocates have endorsed the bill, including the Center for National Security Studies and the Center for Democracy and Technology. The Center for American Progress has also endorsed the bill.

This bill sunsets in December 2009 – allowing the Congress to determine in two years whether adjustments in this new surveillance authority need to be made.

###